

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

TIMOTHY SCHMEKEL,
Defendant.

NO. CR-08-0120-WFN-1

ORDER

Pending before the Court is the Government's Motion to Dismiss Count 2 of the Indictment (Ct. Rec. 107) and Defendant's Motion to Continue Sentencing and for Expedited Hearing (Ct. Rec. 110). The Defendant, who is not in custody, is represented by Jeffry Finer; Assistant United States Attorney Stephanie Lister represents the Government. Defendant requests additional time to prepare for sentencing as new counsel has not yet obtained transcripts of the trial or viewed evidence that will affect sentencing.

The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Continue Sentencing and for Expedited Hearing, filed November 19, 2009, **Ct. Rec. 110**, is **GRANTED**.

2. The sentencing hearing set for January 5, 2010 is **STRICKEN and RESET to March 1, 2010, at 9:30 a.m., in Spokane**, Washington.

3. Government's Motion to Dismiss Count 2 of the Indictment, filed November 19, 2009, **Ct. Rec. 107**, is **GRANTED**.

1 4. The Government's Motion to Expedite Hearing, filed November 19, 2009, **Ct.**
2 **Rec. 108**, is **GRANTED**. The underlying Motion was considered on an expedited basis.

3 The District Court Executive is directed to file this Order and provide copies to
4 counsel **AND TO** United States Probation Officer Al Barrett.

5 **DATED** this 23rd day of November, 2009.

6
7 s/ Wm. Fremming Nielsen
8 WM. FREMMING NIELSEN
11-23 SENIOR UNITED STATES DISTRICT JUDGE